

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMEZIEL, INC.,	:
	:
<i>Plaintiff/Counterclaim-Defendant,</i>	:
	:
v.	:
WIESNER PRODUCTS, INC.,	:
	:
<i>Defendant/Counterclaim-Plaintiff.</i>	:
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Case No: 1:20-cv-02095-AKH
Hon. Alvin K. Hellerstein
**JOINT NOTICE OF SETTLEMENT IN
PRINCIPLE; STIPULATION AND
[PROPOSED] ORDER WITHDRAWING
MOTION TO DISMISS AND STAYING
DEADLINES FOR 30 DAYS**

PLEASE TAKE NOTICE, Plaintiff Ameziel, Inc. and Defendant Wiesner Products, Inc., by and through their undersigned counsel, pursuant to the Local Rules of this Court, file this Joint Notice of Settlement in Principle and Stipulation and [Proposed] Order to withdraw Defendant's pending motion to dismiss without prejudice (Dkt. 36) and stay all deadlines for thirty (30) days.

WHEREAS, Plaintiff commenced the instant declaratory judgment action on March 9, 2020 and filed a First Amended Complaint on February 9, 2021.

WHEREAS, Defendant filed an Answer and Counterclaim on April 29, 2020 and a Motion to Dismiss for Lack of Subject Matter Jurisdiction on February 26, 2021 (Dkt. 36).

WHEREAS, Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction is pending, Plaintiff has opposed that motion (Dkt. 42), and Defendant's Reply deadline is March 31, 2021.

WHEREAS, today¹ on March 31, 2021, the parties have reached a settlement in principle.

WHEREAS, the parties anticipate that they will be able to finalize terms of settlement and file a joint stipulation of dismissal within thirty (30) days of this notice.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction shall be withdrawn without prejudice, with Defendant having leave to file a Notice together with its Reply, requesting the Court to reinstate the Motion and Plaintiff's opposition in the event the parties are unable to finalize a settlement within thirty (30) days hereof.

2. All deadlines in this matter shall be stayed thirty (30) days while the parties finalize settlement.

Dated: March 31, 2021

Respectfully submitted,

s/ Jonathan D. Ball
Jonathan D. Ball
GREENBERG TRAURIG, LLP
MetLife Building
200 Park Ave
New York, NY 10166
Telephone: (212) 801-9200
ballj@gtlaw.com

*Attorneys for Plaintiff
Ameziel, Inc.*

s/ Robert M. Isackson
Robert M. Isackson (RI 4304)
Lori L. Cooper (LC 1016)
LEASON ELLIS LLP
One Barker Avenue
White Plains, New York 10601
Phone: (914) 288-0022
Fax: (914) 288-0023
Email: isackson@leasonellis.com
cooper@leasonellis.com

*Attorneys for Defendant/Counterclaim-
Plaintiff Wiesner Products, Inc.*

¹ The parties acknowledge that Your Honor's Rule 1.D requires all requests for adjournments or extensions of time be made at least 48 hours prior to the deadline. To the extent that the rule applies in this situation, given the timing of the settlement in principle reached today, the parties were unable to meet that deadline with respect to Defendant's Reply deadline, and therefore respectfully request an exemption from Rule 1.D in connection with this submission.

IT IS SO ORDERED.

Dated: March ____, 2021

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2021, a true and correct copy of the foregoing JOINT NOTICE OF SETTLEMENT IN PRINCIPLE; STIPULATION AND [PROPOSED] ORDER WITHDRAWING MOTION TO DISMISS AND STAYING DEADLINES FOR 30 DAYS, was served upon all counsel of record by operation of the Court's electronic filing system.

s/ Robert M. Isackson

Robert M. Isackson